



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

Mr. Timothy Langlois, Vice President of Operations
Advanced Materials Technology
3521 Silverside Road
Quillen Building, Suite 1K
Wilmington, DE 19810

APR 28 2016

**Re: Notice of Violation
Compliance Evaluation Inspection
January 27, 2016
EPA ID No. – DER000502237**

Docket Number: R3-16-NOV-RCRA-013

Dear Mr. Langlois,

On January 27, 2016, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Delaware Regulations Governing Hazardous Waste ("DeRGHW") and the Resource Conservation and Recovery Act ("RCRA") as amended, 42 U.S.C. Sections 6901 et seq. at Advanced Materials Technology ("AMT" or "Facility"). Based on that inspection and/or review of other pertinent information, EPA has determined that the Facility is violating regulations promulgated under DeRGHW and RCRA. As a result of this finding, EPA is issuing this **Notice of Violation ("NOV")**. The specific violation(s) is as follows:

1. The Facility failed to store waste mercury-containing equipment in a closed container. At the time of the inspection, AMT was storing a mercury-containing piece of equipment in an open container. As per DeRGHW 273.13(c)(1) [40 CFR 273.13(c)(1)], a small quantity handler of universal waste is required to manage waste mercury-containing equipment in structurally sound containers that must remain closed.
2. The Facility failed to store waste lamps in a closed container. At the time of the inspection, AMT was storing a waste lamp in an open container. As per DeRGHW 273.13(d)(1) [40 CFR 273.13(d)(1)], a small quantity handler of universal waste is required to manage waste lamps in structurally sound containers that must remain closed.

3. The Facility failed to make a hazardous waste determination on its aerosol can waste. At the time of the inspection, a Facility representative stated that although AMT does not use aerosol cans frequently, there has been no hazardous waste determination made on them. As per DeRGHW 262.11 [40 CFR 262.11], a person that generates a solid waste must determine if that waste is a hazardous waste using the method noted in that section.

Area of Concern

- a. At the time of the inspection, a Satellite Accumulation Area ("SAA") container used to collect waste acetone was located in a lab neighboring the lab where the acetone was being used. This SAA container could be considered as not at or near the point of generation and/or under the control of the operator.

A copy of the inspection report, documenting the findings of the EPA inspector, is enclosed for your information.

Within **thirty (30) calendar days** of the receipt of this NOV, please submit to EPA a response documenting the measures that the Facility has taken or is taking to achieve compliance with the violations and AoC noted above or provide an explanation of facts and circumstances, including any relevant documentation, that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Small Business Resources Information Sheet" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Ms. Rebecca Serfass
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103
Serfass.Rebecca@epa.gov
(p): 215-814-2047



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Date: *April 28, 2016*

Enclosure

cc: K. J'Anthony, DNREC, w/o enc.

P. Belgiovane, 3LC70, w/o enc.

R. Serfass, 3LC70, w/o enc.